



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NYERI**  
**Civil Case 241 of 1998**

**JOYCE WANJIRU BARU.....PLAINTIFF**

*Versus*

**SAMUEL WAMBUGU MWANGI.....1<sup>ST</sup> DEFENDANT**

**FRANCIS NJOROGE MBUGUA.....2<sup>ND</sup> DEFENDANT**

**CHARLES MAINA KAMAU.....3<sup>RD</sup> DEFENDANT**

**JOSEPH NDIRANGU THEURI.....4<sup>TH</sup> DEFENDANT**

**MANASSEH MUHARI MUTHOGA.....5<sup>TH</sup> DEFENDANT**

**FRANCIS NGUGI KAMAU.....6<sup>TH</sup> DEFENDANT**

**JUDGMENT**

The Plaintiff by her plaint averred that the Defendants are on her property Title No. **NYANDARUA/OL'JORO OROK SALIENT/1820** and that they have refused to move out of her said land. The Plaintiff therefore in her plaint prayed for an order of eviction against all the Defendants from that property. The Defendants by their defence deny being on the Plaintiff's property illegally. When the case came up for hearing on 18<sup>th</sup> September 2007 although the Defendants had been served through their advocates, neither they nor their advocate attended the hearing. The Plaintiff in her evidence repeated her claim in the plaint and stated that she had at various times requested the Defendants to vacate her property but that they had refused. She said that they had built houses on the said land. The Plaintiff in support of her evidence submitted copy of her title deed to prove her ownership of the said property.

I have considered the Plaintiff's uncontroverted evidence. The Plaintiff has proved her case on a balance of probability. Accordingly the judgment of this court is that an order of eviction do hereby issue against all the Defendants from Title No. **NYANDARUA/OL'JORO OROK SALIENT/1820**. The Plaintiff is also awarded costs of the suit.

MARY KASANGO

JUDGE

*Dated and delivered at Nyeri this 11<sup>th</sup> day of October 2007.*

**By M. S. A. MAKHANDIA**

JUDGE